

The Senate being full, the call was suspended, and Senator Parker's amendment being divided, the amendment to strike out was put and lost.

The question then recurring on the engrossment of the bill, the Senate refused to engross it by the following vote :

YEAS—Senators Blount, Boyd, Bumpass, Cook, Coppedge, Foscue, Guinn, Nelson, Randolph, Record, Reed, Shannon, Shelley and Stell—14.

NAYS—Senators Braswell, Burney, Brown, Cooley, Dalrymple, Jowers, Knox, Lane, Littleton, McDade, Neyland, Parker, Saufley, Selman, Truitt and Yarbrow—16.

Senator Shelley moved to adjourn until 10 o'clock to-morrow.  
Lost.

A message was received from the House, informing the Senate that the House had passed a Senate bill allowing the Treasurer to employ an extra clerk for six months.

Senator Jowers moved to reconsider the vote, refusing to engross the bill allowing County Courts to grant license to sell spirituous liquors, &c. Carried.

Senator Stell moved to adjourn until 8 o'clock, p. m. Lost.

Senator Parker moved to strike out 400 from 4th Section, and insert 300. Carried.

Senator Cooley offered the following amendment :

Amend by striking out the words "three hundred dollars," in the Section, and inserting therefor the following: "Not less than fifty dollars nor more than four hundred dollars, as determined by the County Court."

Also, adding, Section 13: "It shall be the duty of the County Court, at its first term in each year, to determine, by order, entered on its minutes, the amount of license tax to be required under the provisions of this act; provided, the same shall not be fixed at less than fifty dollars nor more than four hundred dollars, and shall not be decreased during the term of one year after such order is made."

Lost, and bill as amended, ordered to be engrossed.

On motion of Senator McDade, the Senate adjourned until 9 o'clock to-morrow morning.

SENATE CHAMBER, }  
September 4, 1866. }

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called—quorum present. Journal of yesterday read and adopted.

S. J.—SIG. 8

Senator Shelley presented petition of S. B. Reed, asking passage of "An Act to enable him to institute suit against the State."

Referred to Judiciary Committee.

Senator Yarbrow made the following report :

*Hon. G. W. Jones, President of the Senate :*

The Committee on Commerce and Manufactures, to whom was referred House bill to be entitled "An Act to incorporate the Barnhart Mills," having had the same under consideration, a majority of the committee have instructed me to report said bill back to the Senate, and recommend the passage of the bill with the following amendment :

Amend, what should be Section 12, by striking out the words "ninety-nine," in the second line, and insert the words "twenty-five;" all of which is respectfully submitted.

J. C. YARBROW, Chairman.

Received to come up in order.

Senator Braswell made the following report :

*To the President of the Senate :*

The Committee on Internal Improvements, to whom was submitted a bill to be entitled "An Act to incorporate the Texas Transportation Company," having considered the same, instruct me to report it back, with the accompanying substitute therefor, and recommend its adoption and passage.

S. N. BRASWELL, Chairman.

Received to come up in order.

Substitute—"An Act to be entitled an act to incorporate the Texas Transportation Company."

Section 1. *Be it enacted by the Legislature of the State of Texas, That* T. W. House, A. Sessums, J. T. Lensley, W. P. Hamblin, J. S. Sellers, C. H. Jordan, N. P. Turner, H. N. Duble and their associates and successors, be and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the "Texas Transportation Company," and by that name may have succession, sue and be sued, plead and be impleaded, contract and be contracted with, may have and use a common seal, and do and perform all acts which said company is herein authorized to do, or which may be necessary or incident to the purposes of said corporation; provided, that the parties named in this act, or a majority of them, shall only be authorized to act as commissioners to organize said company by receiving subscriptions to its capital stock, and that the stockholders shall organize said company in the manner hereinafter provided.

SEC. 2. That said company may have the right to transport for pay any passengers, mails and freight to and from the cities of Houston and Galveston, to and from any other places within this State, and to and from such other countries and cities which now have or may hereafter have commercial intercourse with this State, and for that purpose may own and appropriate such steamships, steamboats, barges or other vehicles of transportation as may be necessary to successfully conducting the business of said company.

SEC. 3. That for the purpose of facilitating the business of said company by avoiding such portion of Buffalo Bayou as is difficult of navigation, and making connection with railroads leading to and from the city of Houston, said company is hereby invested with the right to locate, construct, own, maintain and operate a railroad, commencing at a point on Buffalo Bayou, between the mouth of Bray's Bayou and where the grade of the Houston, Trinity and Tyler Railroad crosses Buffalo Bayou, and running thence to the city of Houston, and to connect with Galveston and Houston Junction Railroad, as near as practical, when said road makes its junction with the Galveston, Houston and Henderson Railroad; and should said company deem it advisable, they are hereby authorized to make a connection with the Galveston, Houston and Henderson Railroad at or below said junction; provided, that said company shall not construct said road any further into the city of Houston than is authorized in this section without first obtaining the consent of the city council of said city; and provided further, that the speed of said railroad, within the incorporate limits of said city, shall be subject to such reasonable regulations as said city council may prescribe. That said company shall have the necessary right of way, not exceeding fifty feet wide, over any land which it may be necessary to locate said railroad, and one hundred feet where it is necessary to locate its turn-outs and turn-tables; provided, said company shall pay to the owner or owners the value of the land, right of way, and such damages, if any, as may be sustained by said owner or owners by the location of said railroad; that in case the said company and the owner or owners of the land cannot agree upon the value of the right of way over the same, and the damages, if any, in that case said company shall file a statement describing the land required, and a statement of facts connected with the offer to purchase the same, with the Judge of the County Court, who shall thereupon appoint three disinterested persons to proceed to value said land and assess said damages; and in case either party is aggrieved at the award

of said persons, in that case they can appeal from said award to said County Court at its next term thereafter, whereupon said court shall order a jury to determine the matter in controversy as in other cases.

SEC. 4. That said company, for operating said railroad, may own all the necessary cars, engines, horses and other motive power and personal property requisite for that purpose, also, such real estate as may be necessary for their depots, warehouses, workshops and car factories requisite for building or repairing said railroad or fixtures. That said company shall have the right to run its cars over other roads upon condition and in the manner prescribed by law. Said company is hereby required to run over said road at least two trains each day with passenger car attached, to be known as an accommodation train, for the convenience of persons living in the neighborhood of said line of road, which trains shall stop at any place along the line of said road when it is necessary to take on or put off a passenger or passengers or freight; and in case any conductor or agents of said company shall fail or refuse to stop said accommodation train, when requested to do so by any person desiring to get off or on said cars as a passenger, said company shall forfeit and pay to the party aggrieved the sum of not less than twenty dollars, which sum shall be recovered by said party before any court of competent jurisdiction.

SEC. 5. That the capital stock of said company shall not exceed one million dollars, divided into shares of one hundred dollars each, and that the business of said company shall be transacted under the supervision of a board of directors, who shall be elected from the stock-holders, each share of stock to be counted as one vote, and shall not consist of less than three nor more than five members, which directors may choose a President from among their number, and shall appoint such other officers and agents as may be necessary to conduct the business of said company. That the first board of directors so chosen shall hold their offices until the first Monday in April, thereafter, or until their successors are duly elected, and that said company may make such by-laws as may be necessary for the government of said company, not inconsistent with this charter or the law of this State.

This act shall be in force for a period of twenty-five years, and not longer, and shall take effect from and after its passage.

Senator Reed, Chairman of Committee on Roads, Bridges and Ferries, made the following report:

*Hon. R. H. Guinn, President, pro tem:*

The Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An Act to incorporate Shook's Bluff Bridge or Ferry Turnpike Company," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage.

Respectfully submitted J. B. REED, Chairman.

Received to come up in order.

Senator Braswell made the following report :

*To the President of the Senate :*

The Committee on Internal Improvements, to whom was submitted "An Act concerning alien passengers," having duly considered the same, instruct me to report it back, and recommend its passage.

S. N. BRASWELL, Chairman.

Received to come up in order.

Senator Burney, Chairman of Special Committee, reported as follows :

*Hon. R. H. Guinn, President pro tem. of Senate:*

The Special Committee appointed at request of Senator Stell, Chairman of the Committee on State Affairs, for the purpose of investigating the matters contained in certain reports to the Houston Telegraph, and as appears in the Weekly Telegraph of the 29th August, pretending to give a report, and the reasons therefor of Committee on State Affairs, made through their Chairman, Senator Stell, and severely censuring said committee, particularly Senator Stell, by name, have had the same under consideration, and have instructed me to report that we find that said published report greatly misrepresents said committee, and particularly the chairman, but we wish further to say, that we are also satisfied that it proceeded from a misrepresentation more than from any intention to misrepresent and wantonly injure either the committee or their chairman; and we are also gratified to be able to say that Senator Stell is himself satisfied on this point. We are also happy to be able to embody in this report a note from Major Tom Ochiltree, who is the author of the reports alluded to. Your committee would recommend that this report, together with the original report of committee on State Affairs, with our note to Major Ochiltree, and also letter of Major Ochiltree as hereinto appended, be published in the Houston Telegraph, that justice may be done to said committee and their chairman. All of which is respectfully submitted.

J. E. BURNEY,

J. K. P. RECORD,

F. F. FOSDUE,

} Committee.

*Major Tom P. Ochiltree, Austin :*

DEAR SIR : The Special Committee appointed for the investigation of the report of Senator Stell, Chairman of Committee on State Affairs, in relation to the disinterment and removal of the bodies of Texas soldiers, and their burial in a State cemetery, and the criticisms therein appearing in the Houston Telegraph, of the 29th August, being informed that you are the author of said criticisms, would be pleased to receive and entertain any statement you feel inclined to make in relation to the subject under investigation.

Very respectfully,

GEO. E. BURNEY, }  
F. F. FOSQUE, } Committee.  
J. K. P. RECORD, }

CITY OF AUSTIN, }  
Sept. 3, 1866. }

*Messrs. Burney, Record and Fosque :*

GENTLEMEN : In answer to your inquiries, I will state that at the time of the reception of Senator Stell's report, I was momentarily absent from the Senate Chamber. I did not have access to the reports during the day, was consequently misinformed as to its true purport. My information from others who had heard the report read, was to the effect that the Senator had expressed his disapprobation of the provisions of the measure in toto, and had averred as one of his reasons therefor, "the cost of the removal of the bodies would be too expensive," and further, that "it was totally inexpedient in regard to the difficulty of identification, &c."

Laboring under this misapprehension, I did criticise with considerable severity the report. I disclaim any intention of doing the Senator injustice. For that gentleman I entertain the very highest respect and esteem. I will see that full reparation is done him at the earliest moment through the columns of the Telegraph. I had already, before even the motion from the Committee, made the *amende honorable*, on the discovery that my information was incorrect.

I have the honor to be, gentlemen, with respect, your obedient servant,

TOM P. OCHILTREE.

Received to come up in order.

Senator Shelley introduced a bill for the relief of S. B. Reed.

Read first and second times, and referred to Judiciary Committee.

Senator Burney introduced a bill to be entitled "An Act to prevent the sale of ardent spirits within four miles of the Bosque College and Seminary."

Read first time, and referred to Committee on Education.

Senator Parker, Chairman of Committee on Enrolled Bills, made the following report :

*Hon. R. H. Guinn, President pro tem. of Senate:*

The Committtee on Enrolled Bills have examined "An Act transferring the settlement of the estate of Allen Urquhart, deceased, from the County Court of Titus county to the County Court of Marion county, and find the same correctly enrolled, properly signed, and they have presented the same to the Governor for his approval.

F. J. PARKER, Chairman.

Report accepted.

Upon motion of Senator Record, the Texas Navigation Company bill was taken up, and 250 copies ordered to be printed.

Upon motion of Senator Record, the report of Senator Burney, Chairman of a Select Committee to investigate the criticisms on Senator Stell's report relative to the removal of the Confederate dead, was taken up.

Upon motion of Senator Stell, the report was read and adopted, and committee discharged.

### ORDERS OF THE DAY.

A bill to be entitled "An Act to incorporate the San Antonio Commercial Club," on its third reading, taken from the President's desk, read and passed by the following two-thirds vote :

YEAS—Senators Braswell, Boyd, Brown, Burney, Cook, Coppedge, Dalrymple, Guinn, Jowers, Knox, Lane, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarbrow—25.

NAYS—Senators Blount and Bumpass—2.

A bill to incorporate the Jefferson Insurance Company, with the amendments recommended by the Committee on Commerce and Manufactures, on its second reading, was taken from the President's desk, amendments made, read second time, and ordered to be engrossed, and,

Upon motion of Senator Guinn, the rule was suspended, bill read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Cook, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt and Yarbrow—26.

NAYS—None.

A bill to repeal certain acts therein named, on its second reading.

Read second time, and ordered to be engrossed.

The substitute to the bill repealing certain articles therein named, of the Penal Code, recommended by the Judiciary Committee.

Read second time, and adopted.

On motion of Senator Shelley, the bill was laid on the table for the present, and 100 copies ordered to be printed. Also,

A bill to amend "An Act to establish the Code of Criminal Procedure for the State of Texas, and to repeal certain portions thereof," on its second reading.

Read second time, and ordered to be engrossed.

House bill to attach certain counties to Jack county and Montague county, for judicial and other purposes, on its second reading.

Read, and upon motion of Senator Blount, laid on the table for the present.

A bill for the relief of the citizens of Navarro county, with adverse report of Judiciary Committee, taken up and report adopted.

A bill to repeal acts to incorporate the city of Jefferson, with amendments recommended by the committee, taken up, amendments adopted, and bill ordered to be engrossed.

Upon motion of Senator Guinn, the rule was suspended, bill read third time and passed.

Joint resolution relating to the establishment of a branch of the United States District Court, at the town of Dallas, taken up.

Upon motion of Senator Guinn, resolution was amended by inserting the words "by the Legislature of the State of Texas," read second time and ordered to be engrossed.

House bill to incorporate the Houston Gas Light Company, on its second reading, taken up, the following amendments recommended by the Committee on Commerce and Manufactures, were made, viz :

In lines fourteen and fifteen, section 1st, strike out the words "in any courts and places whatever."

Amend section 3d, by inserting after the words "at such time," the words "in the city of Houston," and insert the word "other," between the words "such," and "place," in the 11th line.

Bill read second time, and upon motion of Senator McDade, rule suspended, read third time, and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Brown, Cook, Cooley, Coppedge, Foscue, Guinn, Knox, Littleton, McDade, Nelson,



Neyland, Parker, Randolph, Record, Reed, Saufley, Selman, Shelley, Stell, Truitt and Yarbrow—23.

NAYS—None.

House bill to incorporate the East Texas Petroleum and Mining Company, on its second reading.

Read second time and ordered to a third reading.

Upon motion of Senator Foscoe, the following House bills, on their first reading, were taken up :

A bill regulating contracts for labor.

Read first time and referred to Judiciary Committee.

A bill to authorize and permit George W. Glasscock to sue the State of Texas.

Read first time and referred to Committee on State Affairs.

A bill declaring A. J. Davis and J. C. Davis citizens of Denton county.

Read first time and referred to Committee on State Affairs.

A bill to incorporate the Dallas Manufacturing Company.

Read first time and referred to Committee on Commerce and Manufactures.

A bill to incorporate the Texas Land, Labor and Immigration Company.

Read first time and referred to Committee on Commerce and Manufactures.

Report of Finance Committee upon special message from the Governor, relating to monies received by the late Provisional Treasurer, taken up, read, and adopted.

House bill to incorporate the Houston and Galveston Wharf and Press Company, on its second reading, taken up, and upon motion of Senator Shelley, amended by striking out the words "in all courts and places."

Bill read second time, and passed to a third reading.

A joint resolution expressing sympathy for the suffering of the citizens in our sister Southern States, and inviting them to a home in our midst, taken up and adopted.

The President announced Senators Selman and Shannon as committee on part of the Senate.

A message was received from the House, announcing the passage of a bill to provide for the protection of the frontier of the State of Texas.

A bill to regulate the time that railroad passenger cars shall stop at way stations, on its second reading, taken up.

The following amendment, recommended by the Committee on Internal Improvements, was made :

Strike out the word "five," in eighth line, and insert the word "two."

Bill as amended, read second time, and ordered to be engrossed.

Upon motion of Senator Burney, the House bill, to provide for the protection of the frontier of the State of Texas, was taken up, read first time by caption, and referred to Committee on Indian Affairs.

A bill for the relief of Wm. Berryman, on its second reading, was taken up, with the report of the Committee on Private Land Claims, recommending that the bill be not passed.

Read second time, and upon motion of Senator Shelley, report and bill laid on the table for the present.

A bill to relieve John Henry Bullard from the disability of minority, on its second reading, taken up, read second time, and ordered to be engrossed; and upon motion of Senator Selman, rule suspended, read third time, and passed.

Senator Neyland reported as correctly engrossed a bill to amend the 3d, 4th, 5th and 9th Sections of "An Act to authorize the County Courts of this State to grant a license for the retail of spirituous, vinous and other intoxicating liquors, in quantities less than a quart, and imposing a license tax for such privilege," approved February 2d, 1856.

Report accepted.

Senator Record, Chairman of Committee on the Judiciary, reported back a bill allowing District and County Clerks, Sheriffs, Coroners and Constables to demand their fees of office in advance, and recommended that it be not passed.

Report received to come up in order.

Also, reported back a bill to amend Article 382, Title 11, Chapter 3 of the Penal Code, and recommend its passage with the following amendment, viz:

After the word "weapon," in Section 1, insert the words "so as to."

Report received to come up in order. ♦

Senator Record also made the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled "An Act to repeal an act relating to sales on executions, deeds of trust, mortgages, &c.," approved March 4th, 1863, have had the same under consideration, and have instructed me to report the following amendment:

Strike out the caption and insert a bill to be entitled "An Act to repeal an act entitled an act to be entitled an act authorizing judgments to be rendered in certain cases, requiring

property levied upon by execution or sale, under deeds of trust or mortgage, to bring nine-tenths of its appraised value," approved March 4th, 1863, and that with this amendment they recommend the passage of the bill.

J. K. P. RECORD, Chairman.

Report received to come up in order.

Upon motion of Senator Cook, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, }  
AUSTIN, Sept. 5, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Jowers presented a petition from the citizens of Houston county, asking relief.

Referred to Committee on Finance.

Senator Foscue submitted the following report :

*Hon. President of the Senate ;*

The Committee on Internal Improvements, to whom was referred a bill to be entitled "An act to incorporate the Galveston Wharf Junction Railroad Company," have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

F. F. FOSCUÉ,  
One of the Committee.

Received to come up in order.

Senator Reed made the following report :

*Hon. R. H. Guinn, President pro tem. of the Senate :*

The Committee on Roads, Bridges and Ferries to whom was referred a bill to be entitled "An act to incorporate the Yegua Bridge Company," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Respectfully submitted,

J. B. REED, Chairman.

Received to come up in order.

Senator Neyland submitted the following report :

*Hon. R. H. Guinn, President pro tem., Senate :*

The Committee on Engrossed Bills, have examined and find correctly engrossed, the following bills to-wit :

A bill to be entitled "An act to amend an act to establish a